

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DAVID LEE PHILLIPS,

Plaintiff,

vs.

STATE BAR OF NEVADA, et al.,

Defendants.

Case No. 2:16-cv-00412-GMN-CWH

**ORDER**

Presently before the court is Plaintiff David Lee Phillips's Motion to Extend Submission Deadline for Submission of Plaintiff's Response to Defendants' Motion to Dismiss Pending Determination of Plaintiff's Request for Status Conference (ECF No. 29), filed on June 16, 2016. Defendants The State Bar of Nevada and The State Bar of Nevada Board of Governors filed a response (ECF No. 33) on June 21, 2016. Plaintiff did not file a reply.

**I. BACKGROUND**

Defendants filed a motion to dismiss (ECF No. 25) on June 3, 2016. In the ordinary course, Plaintiff's response would have been due on June 20, 2016. Plaintiff now requests an open-ended extension to respond to the motion to dismiss pending the court's scheduling of a case status conference. (Mot. to Extend (ECF No. 29) at 3.) Plaintiff's motion was filed before his response deadline.

**II. ANALYSIS**

In addition to satisfying the requirements of LR IA 6-1, a motion to extend time that is made before the original deadline expires must be supported by a showing of good cause for the extension under Federal Rule of Civil Procedure 6(b)(1). As stated in *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992), the good cause standard primarily considers

1 the diligence of the party seeking the extension.

2 Here, Plaintiff requests that his deadline to respond to the motion to dismiss be stayed until  
3 the court sets a case status conference in this case. The fact that Plaintiff seeks a status conference  
4 does not bear on his ability to respond to Defendants' motion to dismiss, which addresses the sole  
5 issue of whether Defendants were timely served under Federal Rule of Civil Procedure 4(m). The  
6 court therefore finds that Plaintiff has not been diligent with respect to the motion to dismiss and  
7 that there is not good cause to extend Plaintiff's response deadline. The court therefore will deny  
8 Plaintiff's motion.

9 As for Plaintiff's request for a status conference, there is not a motion or stipulation  
10 requesting a status conference pending before the court. The court notes, however, that in the  
11 declaration attached to the motion to extend time, as well as a declaration filed on June 14, 2016,  
12 Plaintiff states that a status conference is necessary before further action is taken in this case. (Mot.  
13 to Extend at 5; Decl. (ECF No. 28) at 3-4.) The court therefore will set a case-status conference.  
14 Plaintiff is advised, however, that under Local Rule IA 7-1, "[a]ll communications with the court  
15 must be styled as a motion, stipulation, or notice . . . ." Thus, if Plaintiff has future requests that  
16 require court action, he must file an appropriate motion or stipulation.

17 **III. CONCLUSION**

18 IT IS THEREFORE ORDERED that Plaintiff David Lee Phillips's Motion to Extend  
19 Submission Deadline for Submission of Plaintiff's Response to Defendants' Motion to Dismiss  
20 Pending Determination of Plaintiff's Request for Status Conference (ECF No. 29) is DENIED.

21 IT IS FURTHER ORDERED that Plaintiff must respond to Defendants' motion to dismiss  
22 (ECF No. 25) by August 12, 2016.

23 IT IS FURTHER ORDERED that a case-status conference is set for Thursday, August 4,  
24 2016, at 3:00 p.m. in Courtroom 3C, Lloyd D. George United States Courthouse, 333 Las Vegas  
25 Boulevard South, Las Vegas, Nevada.

26 DATED: July 26, 2016.

27   
28 **C.W. Hoffman, Jr.**  
**United States Magistrate Judge**